

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

CORTEZ BUCKNER, Register No. 1045768,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08-4156-CV-C-NKL
	)	
DAVE DORMIRE, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On May 13, 2009, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Further, because plaintiff's claims against defendants Bill Galloway, the State of Missouri, and the John Doe defendants are based on the same allegations, his claims against these defendants should also be dismissed for failure to state a claim on which relief can be granted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of May 13, 2009, is adopted. [20] It is further

ORDERED that defendants' motion to dismiss is granted, and plaintiff's complaint is dismissed for failure to state a claim on which relief may be granted under 42 U.S.C. § 1983.  
[10]

/s/ \_\_\_\_\_

NANETTE K. LAUGHREY  
United States District Judge

Dated: June 19, 2009  
Jefferson City, Missouri